

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CADDELL DRY DOCK AND REPAIR CO., INC.,

Plaintiff,

-against-

BOUCHARD TRANSPORTATION CO., INC., *in personam*,  
BARGE B. NO. 280, *in rem*, and B.NO. 280  
CORP., *in personam*,

Defendants.

**CASE NO:**

1:20-cv-00685 (EK-LB)

**ORDER APPOINTING PLAINTIFF AS SUBSTITUTE CUSTODIAN**

Upon the Motion of Plaintiff, Caddell Dry Dock and Repair Co., Inc. for appointment as Substitute Custodian for the Defendant, BARGE B. NO. 280 (hereinafter “Barge”), in substitution for the United States Marshal in this case, and good cause appearing therefore, it is hereby:

ORDERED that the Plaintiff’s Motion is granted until further Order of the Court, and the United States Marshal shall transfer custody of the Vessel to the custody of Plaintiff as the substitute custodian; and it is further

ORDERED that United States Marshal be, and it hereby is, authorized and directed upon arrival of their agent to surrender the possession of the Vessel to Plaintiff, and upon such surrender the United States Marshal, its officers, deputies, agents, servants, employees and insurers shall be in all respects discharged from all duties and responsibilities for the safekeeping of said Vessel; and it is further

ORDERED that upon transfer of the Vessel to Plaintiff by the United States Marshal, the United States Marshal shall not be liable for any loss occurring while she remains in the custody of the substitute custodian; and it is further

ORDERED that Plaintiff shall cause and be responsible to have the Vessel remain at an

appropriate berth, mooring, anchorage, and/or other secure location within the Eastern District of New York; and it is further

ORDERED that Plaintiff shall retain custody for possession and safekeeping of the Vessel until further Order of the Court; and it is further

ORDERED that the fees and costs of the U.S. Marshal, dockage, and Plaintiff's costs incurred in seizing and maintaining the Vessel under arrest are designated as *custodia legis* expenses; and it is further

ORDERED that Plaintiff shall submit a certificate of insurance to the Court by the close of business on Friday, February 14, 2020 and certify that any loss or damage to the Barge due to any negligence on the part of Plaintiff or its employees or agents committed during the period of Plaintiff's substitute custodianship shall be covered by the insurance; and it is further

ORDERED that Plaintiff shall appear before this Court on Thursday, February 20, 2020, at 2:00 p.m. for a hearing on this Order.

SO ORDERED.

/s/ Eric R. Komitee  
ERIC R. KOMITEE  
United States District Judge

Dated: Brooklyn, New York  
February 13, 2020